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P.R. CB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/422,067 10/21/99 BAPST

D 044321-0247

009629 PM82/0118

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EXAMINER

WHITE, R

ART UNIT

PAPER NUMBER

3636

DATE MAILED:

01/18/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/422,067

Applicant  
David M. Bapst

Examiner  
Rodney B. White

Group Art Unit  
3636

☒ Responsive to communication(s) filed on Sep 28, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, 6, and 13-16 is/are rejected.

☒ Claim(s) 3-5, 7-12, and 17-20 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-2, 6, and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, it is unclear as to whether the Applicant intend to claim the carrier handle in subcombination with the infant carrier. On lines 2-3, the Applicant defines that the "flexible strap pivotally connected at opposite ends to longitudinally opposed ends of an infant carrier" and on lines 5 and 7, the Applicant defines that the "strap" extends from the "opposed ends of said infant carrier" when in the preamble of the claim the Applicant has not claimed the "infant carrier".

The aforementioned problem renders the claim vague and indefinite. Clarification and/or correction is required.

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masucci (U.S. Patent No. 4,712,892) in view of Cone, II (U.S. Patent No. 6,000,753).

Masucci teaches a car seat 16 for restraining an infant in a vehicle seat comprising an infant carrier 16, and a mirror 22 mounted on the back portion of an infant observation device in a position visible to a driver of the vehicle in a rear-view mirror when the infant carrier is secured on the vehicle. Masucci even teaches what appears to be a platform or base structure that has no reference number on which the infant carrier 16 is placed to perhaps protect the upholstery of the vehicle seat (See Fig. 1). Masucci does not teach that the mirror is attached to that platform. However, Cone, II teaches the concept of securing a child carrier to a base support 10, the base support having a back portion 37 and a carrier engagement portion 34, an infant carrier detachably mounted to the base support, the back portion 37 extending in a substantially vertical direction when the base support is secured to the vehicle seat using the vehicle's seat belt (See Figures 5-6, 8, and 10). It would have been obvious and well within the level of ordinary skill in the art to modify the child seat and mirror arrangement, as taught by Masucci, to include a base

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support, as taught by Cone, II, so that the mirror could be attached to the back portion 37 of the base support 10 so that the number of parts would be reduced and the forward end of the child carrier would not be required to press against the back portion 34 of the mirror to prevent forward movement of the mirror and one would not have to solely rely on the vehicle seat belt system to hold the entire child carrier and mirror arrangement in place. Also, the attachment of the mirror to the back portion 37 of the base support 10 would preclude the additional protective platform on which the child carrier is placed, illustrated by Masucci in Fig. 1.

5. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Stein (U.S. Patent No. 5,884,827).

Stein teaches the structure of a infant carrier handle comprising a substantially flexible strap with a first portion 22 being sufficiently rigid and a second portion 48 being soft and flexible (Fig. 1)

6. Claims 14-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter in claims 14-15:

Prior art fails to teach the second portion of the strap terminating in strap anchor and wherein excess length of the strap can be wrapped around the anchor to form a bundle adapted to

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be fitted in an opening in the infant carrier and prevented from being unwrapped as long as the anchor remains in the opening.

8. Claims 3-5, 7-12, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter in the claims 3-5, 7-12, and 17-20:

Prior art fails to teach how the base support as taught by Cone, II can include the carrier engagement portion of the base support having an opening for receipt of a portion of one end of the infant carrier and a raised portion for the engagement with a latch hook mounted on the infant carrier as claimed in claims 3 and 7. Although prior art teaches actuating mechanisms mounted on infant carriers for linear reciprocating motion in an axial direction of an infant carrier, prior art fails to teach how the base support as taught by Cone, II can include such an actuating mechanism mounted on his infant carrier for linear reciprocating motion in an axial direction of the infant carrier as claimed in claim 17.

10. Claims 13-15 are allowed.

11. The following is an examiner's statement of reasons for allowance:

Prior art fails to teach an infant carrier handle comprising a substantially flexible strap pivotally connected at opposite ends to longitudinally opposed ends of an infant carrier, the first

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portion of the strap being sufficiently rigid to be self-supporting, the first portion of the strap extending from one of the opposed ends of the infant carrier, and a second portion of the strap being soft and flexible, the second portion of the strap extending from the other opposite end of the carrier.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

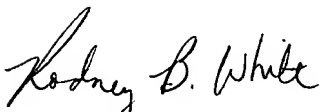
Meeker, Freese et al , Cone, II, Harper et al, and Haut et al teach base support mounted infant carriers. Omberg teaches a rear seat mirror device for viewing infants in rear seats of automobiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner White whose telephone number is (703) 308-2276.

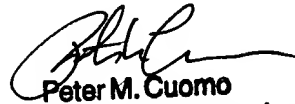
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687/3597.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Rodney B. White,  
Patent Examiner  
Art Unit 3636  
January 16, 2001



**Peter M. Cuomo**  
**Supervisory Patent Examiner**  
**Technology Center 3600**